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NOTIFICATION.

No. L. D. 65 Legis. 3-52-6, dated Bangalore, 4th July 1952.

Ordered that the Commissions of Inquiry Bill, 1952 and the Code of Criminal Procedure (Second Amendment) Bill, 1952 introduced in the House of the People on the 28th May and 2nd June 1952 respectively published in the *Gazette of India*, Part II, Section 2, dated the 7th June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

New Delhi, the 7th June 1952.

PART II—Section 2.

Bills and Reports of Select Committees on Bills.

HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People on 28th May, 1952 :—

BILL NO. 39 OF 1952

A Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers.

BE it enacted by Parliament as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Commissions of Inquiry Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) " appropriate Government " means—

(*i*) the Central Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List I or List II or List III in the Seventh Schedule to the Constitution ; and

(*ii*) the State Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List II or List III in the Seventh Schedule to the Constitution;

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(*b*) "Commission" means a Commission of Inquiry appointed under section 3;

(*c*) "prescribed" means prescribed by rules made under this Act.

3. Appointment of Commission.—(1) The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by the House of the People or, as the case may be, the Legislative Assembly of the State, by notification in the Official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly:

Provided that no State Government shall, without the previous approval of the Central Government, appoint a Commission to inquire into any matter in respect of which a Commission has been appointed by the Central Government during the period in which that Commission is functioning and until the expiry of two years from the date on which that Commission ceases to exist by a notification under section 6.

(2) The Commission may consist of one or more members appointed by the appropriate Government, and where the Commission consists of more than one member, one of them may be appointed as the Chairman thereof.

4. Powers of Commission.—(1) The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record from any court or office;

(*e*) issuing commissions for the examination of witnesses or documents;

(*f*) any other matter which may be prescribed.

(2) The Commission shall have power to require any person to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevent to, the subject matter of the inquiry.

(3) The Commission or any officer specially authorised by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom.

(4) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

(5) The Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members.

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(6) Every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

5. Statements made by persons to the Commission.—No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement :

Provided that the statement—

(*a*) is made in reply to a question which he is required by the Commission to answer, or

(*b*) is relevant to the subject matter of the inquiry.

6. Commission to cease to exist when so notified.—The appropriate Government may, if it is of opinion that the continued existence of a Commission is unnecessary, by notification in the Official Gazette, declare that the Commission shall cease to exist from such date as may be specified in this behalf in such notification, and thereupon, the Commission shall cease to exist.

7. Act to apply to other inquiring authorities in certain cases.—Where any authority (by whatever name called) is set up under any resolution or order of the appropriate Government for the purpose of making an inquiry into any definite matter of public importance and that Government is of opinion that the provisions of this Act should be made applicable to that authority, that Government may, subject to the prohibition contained in the proviso to section 3, by notification in the Official Gazette, direct that the provisions of this Act shall apply to that authority, and on the issue of such a notification, that authority shall be deemed to be a Commission of Inquiry appointed under section 3 for all the purposes of this Act.

8. Power to make rules.—(1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the term of office and the conditions of service of the members of the Commission ;

(*b*) the manner in which inquiries may be held under this Act and the procedure to be followed by the Commission in respect of the proceedings before it ;

(*c*) the powers of civil court which may be vested in the Commission ;

(*d*) any other matter which has to be, or may be, prescribed.

STATEMENT OF OBJECTS AND REASONS

Commissions and Committees of inquiry are at present appointed by Government under executive order ; there is no central law to regulate the powers of such bodies. Some of them have felt handicapped because of the absence of any statutory power to enforce the attendance of witnesses and the production of documents. In order to remove this difficulty, *ad hoc* legislation has been passed from time to time, such as for example, the Sugar Crisis Enquiring Authority Act, 1950. It is felt that there should be a general law authorising Government to appoint an inquiring authority on any matter of public importance, whenever considered necessary, or when a demand to that effect is made by the Legislature and that such law should

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enable the inquiring authority to exercise certain specific powers including the powers to summon witnesses, to take evidence on oath, and to compel persons to furnish information. The Bill is designed to achieve this object.

KAILAS NATH KATJU.

NEW DELHI,
The 20th May 1952.

The following Bill was introduced in the House of the People on 2nd June, 1952 :—

BILL NO. 40 OF 1952.

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1952.

2. Amendment of Section 128, Act V of 1898.—In section 128 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), for the words and figures "the Indian Army, Navy or Air Force or a person subject to the Territorial Army Act, 1948" the words "the armed forces" shall be substituted.

3. Amendment of section 129, Act V of 1898.—In section 129 of the principal Act, for the words "military force" the words "the armed forces" shall be substituted.

4. Amendment of section 130, Act V of 1898.—In sub-section (1) of section 130 of the principal Act, for the words and figures "by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in the Indian Army or of any persons subject to the Territorial Army Act, 1948, to disperse such assembly by military force", the words "by the armed forces, he may require any officer thereof in command of any group of persons belonging to the armed forces to disperse such assembly with the help of the armed forces under his command" shall be substituted.

5. Amendment of section 131, Act V of 1898.—In section 131 of the principal Act, for the words "any commissioned officer of the Indian Army may disperse such assembly by military force" the words "any commissioned officer of the armed forces may disperse such assembly with the help of the armed forces under his command" shall be substituted.

6. Amendment of section 132, Act V of 1898.—In section 132 of the principal Act,—

(*a*) in clause (*d*), for the words and figures "soldier, or person subject to the Indian Territorial Army Act, 1948", the words "soldier, sailor or airman in the armed forces" shall be substituted ;

(*b*) in the proviso, for the words and figures "soldier in the Indian Army or any person subject to the Territorial Army Act, 1948" the words "soldier, sailor or airman in the armed forces" shall be substituted.

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7. Insertion of new section 132A in Act V of 1898.—In Chapter IX after section 132 of the principal Act, the following section shall be inserted, namely :—

'132*A*. *Definitions.*—In this Chapter,—

(*a*) the expression "armed forces" means the military, naval and air forces and includes any other armed forces of the Union ;

(*b*) "officer," in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a junior commissioned officer, a warrant officer, a petty officer and a non-commissioned officer.'

STATEMENT OF OBJECTS AND REASONS.

Under the provisions of Chapter IX of the Code of Criminal Procedure, when a magistrate finds it necessary to have recourse to military force for the purpose of dispersal of any unlawful assembly, he may only require a Commissioned or non-Commissioned Officer of the Indian Army or of any person subject to the Territorial Army Act, 1948, to use such force. There may be occasions when units of the other two branches of the Armed Forces may provide military assistance more expeditiously, especially in places where major establishments of the Navy and Air Forces are located. It is proposed to amend the Code of Criminal Procedure so as to enable the civil authorities to requisition the help of the Army or the Navy or the Air Force in case of necessity. This Bill gives effect to this proposal.

KAILAS NATH KATJU.

NEW DELHI,
The 16th May 1952.

M. N. KAUL,
Secretary.

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